UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,781	04/20/2007	Heino Hameleers	P17248-US1	6589

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EXAMINER
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ART UNIT	PAPER NUMBER
2446	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/595,781	HAMELEERS ET AL.
	Examiner	Art Unit
	NOEL BEHARRY	2446

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 April 2009_.

2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _19,21-23 and 25-27_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _19,21-23 and 25-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 May 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Application No. 10/595,781 filed April 20th,

2007. Claims 19 and 23 have been examined and claim 27 has been added. Claims 19,

21-23, and 25-27 are subject to examination.

Specification

2.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: **Claims 19, 23 and 27** recite "sending a network address to

the called party terminal for retrieving the multimedia information" and Applicant directs

us to Par. 0022 of the specification to show support for this limitation but examiner

respectfully notes that Par. 0022 does not disclose sending a network address to the

called party terminal.

3.   Further, **claim 27** recite "determining whether the called party terminal or the

calling party terminal is incapable of providing the multimedia information" but Applicant

has not shown support for this limitation in the specification.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

5.   **Claims 19, 23, and 27** rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. In particular, claims 19, 23 and 27 recite

"sending a network address to the called party terminal for retrieving the multimedia

information" and Applicant directs us to Par. 0022 of the specification to show support

for this limitation but examiner respectfully notes that Par. 0022 does not disclose

sending a network address to the called party terminal.

6.   Further, **claim 27** recite "determining whether the called party terminal or the

calling party terminal is incapable of providing the multimedia information" but Applicant

has not shown support for this limitation in the specification.

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

8.   **Claims 19, 23, and 27** are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. In particular, claims 19, 23 and 27 recite

"sending a network address to the called party terminal for retrieving the multimedia

information" and Applicant directs us to Par. 0022 of the specification to show support

for this limitation but examiner respectfully notes that Par. 0022 does not disclose

sending a network address to the called party terminal. Further, it is unclear why the

called party terminal will be retrieving the multimedia message if the calling party is

calling the called party to hear the called party's multimedia message. For purposes of

examination, Examiner has interpreted this limitation to mean that the called party can

retrieve its settings and multimedia information in order to edit or personalize the

multimedia information.

Response to Arguments

Applicant's Arguments:

Applicant argues in substance that "The Applicant respectfully submits that the

rejection does not meet the above requirements for at least the reason of the

independent claims being currently amended. Regarding amended claims 19 and 23,

the Applicant respectfully submits that the **Choe** reference does not disclose stored,

subscriber data with a trigger (data includes a demand) for presenting multimedia

information by one terminal to another terminal. And, **Choe** does not disclose sending

an address for either party to retrieve multimedia information for playback. So, the

Applicant respectfully submits that the rejection is unsupported by the art. Claims 19

and 23 are analogous independent claims and contain similar limitations. The Applicant

respectfully requests the allowance of these claims."

Examiner's Response:

Examiner respectfully disagrees. Firstly, it should be noted that applicant points

to Par. 0022 of the specification for support of the amended claims limitation "sending a

network address to the called party terminal for retrieving the multimedia information"

but this portion does not disclose this limitation. Further, applicant argues that the claim

recites "A method for providing multimedia information associated with a calling party

terminal to a called party terminal or for providing multimedia information associated

with the called party terminal to the calling party terminal,..." and further argues that the

limitations of the claim applies to either calling party or a called party. Applicant then

argues that the **Choe** reference discloses the function that are performed by a called

party and that the applicant's invention discloses that the calling party can actually

provide a tone to the called party. It should be noted that the limitations in the preamble

of the claim are separated by an "or" which means that either limitations can be found.

As a result, **Choe** discloses the limitations of the called party providing multimedia

information to the calling party as recited in claims 19, 23 and 27.

Further, it should be noted that Applicant's reply to office action dated July 21,

2008, included amendments to claim 19 and 23 removing the limitations of providing the

multimedia data associated with a calling party terminal to a called party terminal from

the body of the claims. In applicant's response to office action dated February 25th,

2009, claims 19 and 23 have now been amended and 27 added to include a limitation

referring to the removed portions of the claim. The newly added limitations, "sending a

network address to the called party terminal for retrieving the multimedia information"

renders the claims incomprehensible because the rest of the claims recite limitations

sending multimedia information form the called party to the calling party but this

limitation deals with sending the multimedia information to the called party. As a result this claim limitation is not supported in the specification.

The Applicant argument that "the **Choe** reference discloses ring back tones and modification of tones, only" is in error. Please note that "It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. Constant v. Advanced Micro-Devices/nc., 7 USPQ2d 1064." The claims recites "a method of providing multimedia information" and the **Choe** reference teaches an authoring tool for both generating and editing the personalize message which can be multimedia information.

Regarding the argument that "the **Choe** reference does not disclose stored, subscriber data with a trigger (data includes a demand) for presenting multimedia information by one terminal to another terminal," examiner has previously addressed this argument in office action, dated February 25, 2009 and has incorporated it within this office action.

Examiner respectfully disagrees with the Applicants arguments. In Par. 0028-0029 of the **Choe** reference, **Choe** explicitly teaches when a calling party calls a called party the system determines if the called party is a service subscriber and if the called party is a service subscriber then the PRBT system accesses the Internet Data Center to retrieve the message settings based on the called subscriber's account information and provides the personalized ring back message to the calling party because the demand to provide a personalized ring back message is in the message settings of the called subscriber's account information.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

10.   **Claims 19, 21, 23, 25 and 27** are rejected under 35 U.S.C. 102(e) as being

anticipated by **Choe** et al. (**Choe** hereafter) (US 2004/0114732 A1).

Regarding claim 19,

a method for providing multimedia information (personalized ring back tone, Par.

0028 & 0035) associated with the called party terminal (called party) to the calling party

terminal (calling party), the method, performed by a core network node (Internet Data

Center (IDC), comprising the steps of: (Par. 0028)

retrieving subscriber data of the called party (Par. 0028 & 202-203 of Fig .2),

wherein the subscriber data comprises a demand for presenting the multimedia

information (system determines whether the called party is a service subscriber); (Par.

0028)

receiving in the core network node a call set up message comprising an

identification of the called (if the called party is a subscriber, the PRBT system accesses

to the Internet Data Center (IDC) located at the message settings based on the

subscriber's account information stored in the MCP server), (Par. 0029)

recognizing according to the subscriber data and the received identification of the

called party the demand for providing the multimedia information (if the called party is a

subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the

message settings based on the subscriber's account information stored in the MCP

server), (Par. 0029) and

sending a network address to the called party terminal for retrieving the

multimedia information. (a registered advertising content provider may access the CP

graphic user interface though a private website running on the PRBT web server...the

CP can use a specialized GUI to add or update advertisement contents...) (Par. 0037)

Regarding claim 21,

wherein the subscriber data is related to an IN subscription of the called party

(intelligent network). (Par. 0030)

Regarding claim 23,

a core network node (CNN) (Internet Data Center (IDC) for providing multimedia

information (personalized ring back tone) associated with the called party terminal

(called party) to the calling party terminal (calling party), the core network node (CNN)

comprising: (Par. 0028)

means for (the PRBT system accesses to the Internet Data Center, Par. 0028)

providing access to subscriber data of the called party (Par. 0028 & 202-203 of Fig .2),

the subscriber data comprising an indication for a demand for presenting the multimedia

information(system determines whether the called party is a service subscriber), (Par.

0028)

an interface for sending messages (MCP), (Par. 0024 & Par. 0029)

an interface for receiving messages (MCP), (Par. 0024 & Par. 0029) and

a processing system for processing said messages (PRBT system), the

processing system being adapted to: (Par. 0028)

process a received call set up message comprising an identification of the

called (if the called party is a subscriber, the PRBT system accesses to the

Internet Data Center (IDC) located at the message settings based on the

subscriber's account information stored in the MCP server), (Par. 0029)

recognize according to received identification of the called the demand for

providing the multimedia information (if the called party is a subscriber, the PRBT

system accesses to the Internet Data Center (IDC) located at the message

settings based on the subscriber's account information stored in the MCP

server), (Par. 0029) and

sending a network address to the called party terminal for retrieving the

multimedia information. (a registered advertising content provider may access

the CP graphic user interface though a private website running on the PRBT web

server...the CP can use a specialized GUI to add or update advertisement

contents...) (Par. 0037)

Regarding claim 25,

wherein the subscriber data is related to an IN subscription of the called party

(intelligent network). (Par. 0030)

Regarding claim 27,

a method for providing multimedia information (personalized ring back tone, Par.

0028 & 0035) associated with the called party terminal (called party) to the calling party

terminal (calling party), the method, performed by a core network node (Internet Data

Center (IDC), comprising the steps of: (Par. 0028)

retrieving subscriber data of the called party (Par. 0028 & 202-203 of Fig .2),

wherein the subscriber data comprises a demand for presenting the multimedia

information (system determines whether the called party is a service subscriber); (Par.

0028)

receiving in the core network node a call set up message comprising an

identification of the called (if the called party is a subscriber, the PRBT system accesses

to the Internet Data Center (IDC) located at the message settings based on the

subscriber's account information stored in the MCP server), (Par. 0029)

recognizing according to the subscriber data and the received identification of the

called party the demand for providing the multimedia information (if the called party is a

subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the

message settings based on the subscriber's account information stored in the MCP

server), (Par. 0029) and

determining whether the called party terminal is incapable of providing the

multimedia information; (the system determines whether the called party is a

subscriber...if the called party is not a subscriber, the calling party hears the

conventional ring back tone.) (Par. 0029) and

sending a network address to the called party terminal for retrieving the

multimedia information. (a registered advertising content provider may access the CP

graphic user interface though a private website running on the PRBT web server...the

CP can use a specialized GUI to add or update advertisement contents...) (Par. 0037)

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   **Claims 22 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Choe** in view of **Nguyen** et al. (US 2004/0120477 A1).

Regarding claim 22, **Choe** teaches,

wherein the call set up message is appropriate for setting up a circuit switched

call (Par. 0028)

Choe fails to teach, the multimedia information is provided using a packet

switched connection.

However, **Nguyen** teaches, the multimedia information (communication

requests) is provided using a packet switched connection (STP 108 in Fig. 1). (Par.

0022)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to create the invention of **Choe** to include a packet switched connection as

taught by **Nguyen** in order to route communication requests between the various

elements (**Nguyen**; Par. 0022).

Regarding claim 26, **Choe** teaches,

wherein the call set up message is appropriate for setting up a circuit switched

call (Par. 0028)

Choe fails to teach, the processing system is adapted to providing multimedia

information using a packet switched connection.

However, **Nguyen** teaches, the processing system is adapted to providing

multimedia information (communication requests) using a packet switched connection

(STP 108 in Fig. 1). (Par. 0022)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to create the invention of **Choe** to include a packet switched connection as

taught by **Nguyen** in order to route communication requests between the various

elements (**Nguyen**; Par. 0022).

Conclusion

Examiner's Note: Examiner has pointed out particular reference contained in the prior

arts of record in the body of this action for the convenience of the applicant. Although

the specified citations are representative of the teachings in the art and are applied to

the specific limitations within the individual claim, other passages and Figures may

apply as well. It is respectfully requested form the applicant, in preparing the response,

to consider fully the entire references as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NOEL BEHARRY whose telephone number is (571)270-

5630. The examiner can normally be reached on M-T 10-2.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. B./
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446